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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,511	11/20/2003	Pablo Rodriguez Fernandez	03198	5625

23338 7590 06/15/2005

DENNISON, SCHULTZ, DOUGHERTY & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA, VA 22314

EXAMINER

GORMAN, DARREN W

ART UNIT PAPER NUMBER

3752

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,511

Applicant(s)

FERNANDEZ, PABLO
RODRIGUEZ

Examiner

Darren W. Gorman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The specification appears to be a direct translation of a foreign (Spanish) application. As such, the syntax of both the specification and the claims are difficult to understand. Applicant is encouraged to review the specification, and to amend where appropriate in order to conform to idiomatic English.

An example of an unclear portion of the specification occurs on page 7, with the paragraph starting 10 lines from the bottom of the page. In this instance, the statements made are not in proper sentence format. This above noted situation is merely exemplary and is not to be taken as an exhaustive list of all such instances. Therefore, Applicant should review the specification in its entirety and amend to conform to U.S. Patent Office practice.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Despite extensive amendments by Applicant to the claims following the first Office Action, the claims remain indefinite for numerous reasons. The following indefiniteness issues

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with regard to the claims are merely exemplary and are not to be taken as an exhaustive list of all such instances of indefiniteness.

Regarding claim 1, on lines 14-15, “the sprinkler mechanisms” lacks clear antecedent basis. To which mechanisms is this recitation referring?

Regarding claim 1, on lines 17-22, “a cover-nut for adjusting at a quarter turn against said intersection and assembled onto the piston having a smooth tubular cylindrical body, and having a fitting means for fitting a respective inlet filter on a lower end thereof” is unclear. What does “at a quarter turn against said intersection” mean? Does the cover-nut have the smooth tubular surface or is it the piston? Does the cover-nut have the fitting means or is it the piston?

Regarding claim 1, on lines 24-25, “an upper end of said piston with control means for controlling omega-shaped elements for the spray arc” is unclear. Is the “upper end” of the piston being claimed as a separate element from the piston? How does the “control means” control omega-shaped elements?

Regarding claim 1, on line 26, “the catch” lacks clear antecedent basis.

Regarding claim 1, on lines 29-30, “a jet breaker element; a single-piece, plastic, reinforced diffuser blade without counterweights” is unclear. Is this reciting two separate and distinct elements or is this claiming the “jet breaker element” and then describing the structure of that element?

Regarding claim 2, “on lines 3-4, “provided on a beveled surface of the intersection of both bodies” is unclear. Are both bodies beveled? Is just the intersection beveled?

Regarding claim 3, on lines 2-3, “the special cover-nut quarter turn fit” is unclear. What is a “special cover-nut quarter turn fit”?

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Regarding claim 3, lines 4-11 are completely unclear. It cannot be determined what is being recited here.

Regarding claim 3, on lines 10-11, “and another doughnut-shaped housing” is unclear. Where is the first doughnut-shaped housing? What element or elements of the invention is this referring to?

Regarding claim 4, on line 5, “the major base of the purifying filter” lacks clear antecedent basis. What is the “major base”?

Regarding claim 6, on lines 5-6, “the lower conditioned part of the piston” lacks clear antecedent basis. What is a “lower conditioned part”?

Regarding claim 7, on line 4, “the inlet or intake of the lower body” lacks clear antecedent basis.

Regarding claim 9, on line 2, with respect to “the stop”, is this the same “a stop for the catch of the lower body” as recited in claim 1 or is this a separate and distinct element? If it is a separate and distinct element from the “stop” in claim 1, then there is no clear antecedent basis for this recitation.

Regarding claim 10, on line 4, “the head” lacks clear antecedent basis.

Regarding claim 11, on lines 4-6, “the upper sector of the sprinkler, directly facing the outlet of the spray nozzle” is unclear. Both recitations of “the upper sector” and “the outlet” lack clear antecedent basis.

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Examiner's Notes

4. Examiner respectfully requests that Applicant contact the Examiner by telephone after an amended specification is filed so that Applicant can assist the Examiner in completely understanding the disclosed invention.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Gorman whose telephone number is 571-272-4901. The examiner can normally be reached on M-F 7:30-5:00.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 571-272-4901. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Darren W Gorman
Examiner
Art Unit 3752

DWG 6/7/05
DWG
June 7, 2005



David A. Scherbel
Supervisory Patent Examiner
Group 3700